

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MICHAEL JOHN LOPEZ,) CASE NO. 06-60165 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING

On September 11, 2008, the debtor, by counsel, filed a Motion to Modify Plan, Post Confirmation. Contemporaneously with the filing of the motion, a Notice of Motion was filed.

There are several problems with the Notice of Motion. First, the debtor's counsel chose to utilize the form of notice provided by LBF 3A, i.e., a copy of the motion did not accompany the notice. The description of the contents of the motion is inadequate to utilize this form of notice, in that the notice states solely that the debtor has filed a motion to modify his plan post-confirmation "to decrease the plan payment to reflect a decrease in the current monthly real estate tax escrow". There is nothing in this notice that advises any party to this case of the nature of the decrease, of the amount of the monthly plan payment resulting from the decrease, or of any other matter in relation to the effect of the motion on the interests of creditors in this case. Moreover, deficient as it is, the Notice of Motion was not served on all creditors and parties-in-interest in this case.

IT IS ORDERED that the Notice of Motion filed on September 11, 2008 has no effect in this case.

IT IS FURTHER ORDERED that a hearing will be held on **November 17, 2008, at 1:00 P.M.** to determine whether or not the Motion itself should be granted.

Dated at Hammond, Indiana on October 24, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee,
All Creditors, All Parties-in-Interest